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JUN 13 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HIEU KHAC NGUYEN,

Defendant.

CR 10-00731 LHK

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS
CONFERENCE AND DOCUMENTING
EXCLUSION OF TIME.

The defendant, Hieu Khac Nguyen, and the government together respectfully stipulate as follows:

1. A change of plea or trial setting conference is currently scheduled in this matter on June 13, 2012, at 9:00 a.m.;
2. The parties hereby advise the Court that the parties are continuing to confer over the disposition of the matter. Additional facts have come to light during that discussion that required additional investigation that counsel for defendant is still conducting.
3. Counsel for the government will be in trial and unavailable June 20, 2012.

Accordingly, the parties request that the Court set the matter for change of plea July 11, 2012, to allow defense counsel to finish the necessary investigation. The parties jointly request that the

STIPULATION AND ~~PROPOSED~~ ORDER

1 Court exclude the period of time between June 13, 2012, and July 11, 2012, under the Speedy
2 Trial Act calculation for continuity of counsel and effective preparation of counsel, taking into
3 account the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

4 IT IS SO STIPULATED.

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6 Dated: June 12, 2012

/s/

WENDY KIM
Counsel for Defendant

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9 Dated: June 12, 2012

MELINDA HAAG
United States Attorney

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12 /s/

MICHELLE J. KANE
Assistant United States Attorney

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15 ORDER

16 Based upon the representation of counsel and for good cause shown, the Court finds that
17 failing to exclude the time between June 13, 2012, and July 11, 2012, would unreasonably deny
18 the defendant continuity of counsel and would deny counsel the reasonable time necessary for
19 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
20 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
21 between June 13, 2012, and July 11, 2012, from computation under the Speedy Trial Act
22 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS
23 HEREBY ORDERED that the time between June 13, 2012, and July 11, 2012, shall be excluded

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present to

from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and the matter is set for change of plea July 11, 2012, at 9:00 a.m.

IT IS SO ORDERED.

Dated: 6/13, 2012

Lucy H Koh

LUCY H. KOH
United States District Judge